NOTIFICATION.

Bangalore, dated the 15th July 1965

S. O. 2807.—WHEREAS in Notification No. PLM 18 LLE 65, dated the 27th February 1965 the period of declaration of the Oxygen and Acetylene Industry in the State as a Public Utility Service was extended for a further period of six months from 25th January 1965;

AND, WHEREAS in the opinion of the Government of Mysore Public interest requires that the period specified in the said notification should be extended by a further period of six months;

NOW, THEREFORE, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act 1947 (Central Act No. 14 of 1947) the Government of Mysore hereby extends the period specified in the said notification by a further period of six months from 25th July 1965.

[No. PLM 18 LLE 65].

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT, *Under Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

GOVERNMENT OF MYSORE

(LABOUR DEPARTMENT)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Six Cashew Factories, Mangalore.

Award of the Industrial Tribunal, Bangalore—Published.

READ the following papers :—

1. Letter No. I. T. 359/65-66, dated 27th May 1965, from Shri R. Krisana Setty, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 27th May 1965.

Present :

Sri R. Krishna Setty, B.A., LL.B. *Presiding Officer.*

I. D. No. 15 of 1963.

I Party

Workmen of :—

1. M/s. Peirce Leslie & Co. Mangalore (Cashew Factories).
2. M/s Swasti Cashew Industries (P) Ltd., Mangalore (Two Cashew Industries).
3. M/s. U. Narayana Mallya & Sons, Mangalore (Two Cashew Factories).
4. M/s. Fernadez Bros., Cashew Factory, Mangalore.
5. M/s. M.G.A Pai & Sons., Cashew Factory, Mangalore.
6. M/s. Yeknath Cashew Industries, Bunder, Mangalore.

II Party

Managements of :—

1. M/s. Peirce Leslie & Co., Mangalore.
2. M/s. Swasti Cashew Industries (P) Ltd., Mangalore.
3. M/s. U. Narayana Mally & Sons. Mangalore.
4. M/s. Fernandez Bros., Cashew Factory, Mangalore.
5. M/s. M.G.A. Pai & Sons, Cashew Factory, Mangalore.
6. M/s. Yekanath Cashew Industries, Bunder, Mangalore.

Represented by:—

I(a) Secretary, Cashew Workers' Union, Maidan Road, Mangalore.

I(b) Secretary, Dakshina Kannada Gerubeeja Shramika Sangha, Mangalore.

I c) Secretary, South Kanara Cashew & Coffee Workers' Union, Mangalore.

Appearances.

I(a) Party—Sri A. Shantaram Pai,

I(b) Party—Sri Prabhakar Ghate,

I(c) Party—Sri Vittal Setty.

No. 1 of the II Party by Sri K. Venkappa Rai and later by Sri K. V. R. Shenoi.

No. 2, 3 and 4 of the II Party by Sri K. Shashidhar Rao.

No. 5 of the II Party by Sri M. G. A. Pai.

AWARD.

This is an industrial dispute between the Workmen and the Managements of—

(1) M/s. Peirce Leslie & Co., Mangalore (Three Cashew Factories).

(2) M/s. Swasti Cashew Industries (P) Ltd., Mangalore, (Two Cashew Factories).

(3) M/s. U. Narayana Mallya and Sons., Mangalore (Two Cashew Factories).

(4) M/s. Fernandez Brothers, Cashew Factory, Mangalore.

(5) M/s. M. G. A. Pai & Sons., Cashew Factory, Mangalore.

(6) M/s. Yekanath Cashew Industries, Bunder, Mangalore in respect of (a) wages, (b) Dearness Allowance, (c) bonus and (d) Gratuity Scheme.

2. The Government of Mysore, in exrcise of the powers conferred upon them under Sec. (10) (d) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), referred the said dispute to this tribunal for adjudication by their Order No. PLM 205 LLD

63, dated 29th May 1963. The points of disputes scheduled in the order of Refernce are as follows :—

"I. Are the workers of the Cashew Factories mentioned in the Schedule are entitled to the following benefits ?

(*i*) Shellers and Peelers should be paid at 12 nP. per pound of kernel delivered at the weighing machine.

(*ii*) For peeling pieces 6 nP. per pound should be paid.

(*iii*) Roasting nut distributors (boys and girls) should be paid at Rs. 2 per day.

(*iv*) Yard workers, Hot Room workers, Expeller workers, Roasting Department workers and all other category of day rated workers should be paid a wage increase of 50 nP. over the existing wage rate subject to a minimum of Rs. 3 per day.

(*v*) All workers should be paid Dearness Allowance of Rs. 15 per month or 50 nP. per day.

(*vi*) All workers should be paid bonus equivalent to 25 per cent of their earnings.

(*vii*) A Gratuity Scheme should be introduced.

(*viii*) Graders should be paid at Rs. 2 per day.

If not, to what alternative reliefs are the workers entitled to in respect of the above mentioned demands ?"

3. The Government had sent a copy of the Order of this Reference to the Secretary, Cashew Workers' Union, Maidan Road, Mangalore, presumably to represent the workmen employed in the six Cashew industries. Accordingly the General Secretary of that Union filed the claim statement on 23rd July 1963 in support of the demands. Subsequently on 2nd August 1963, the Secretary, Dakshina Kannada Gerubeeja Shramika Sangha, Mangalore, also filed a claim statement together with a Memo for impleading that Sangha as an Additional I Party. It was alleged therein that a considerable number of workmen of M/s. Swasti Cashew Industries, M/s. U. Narayana Mallya & Sons, M/s. FernandezBrothers and M/s. M.G.A. Pai & Sons, are members of that Sangha, that it had raised similar demands in respect of the workmen of those managements and before this Sangha could agitate the matter in the conciliation proceedings, the conciliation proceedings had been completed and therefore this Sangha could not take part therein and as such the

Sangha should now be impleaded as a party. This was resisted by the Managements. The tribunal, after hearing the concerned parties, by an order dated 24th December 1963 allowed the Sangha to be impleaded as additional party No. I(b), the present I party being designated as party No. I(a). The tribunal further directed both the Union and the Sangha to adduce evidence in support of their demands. M/s. Peirce Leslei & Co., Mangalore, the first member of the II Party filed their counter statement on 19th September 1963, M/s. Swasti Cashew Industries (P) Ltd., the 2nd member of the II Party filed their counter statement on 28th December 1963, M/s. U. Narayana Mallya & Sons, the 3rd member of the II Party filed their rejoinder on 9th January 1964, M/s. Fernandez Brothers Cashew Factories, 4th member of the II Party filed their rejoinder on 19th December 1963, M/s. M.G.A. Pai & Sons, Cashew Factories filed their counter statement on 17th February 1964 and M/s. Ekanath Cashew Industries, Mangalore, 6th member of the II Party, filed no rejoinder and failed to participate in the proceedings, throughout.

4. I(a) party was represented by Sri A. Shantaram Pai while I(b) party was represented by Sri Prabhakar Ghate. The 1st member of the II Party was represented by Sri K. Venkappa Rai and later by Sri K.V.R. Shenoi while the 2nd, 3rd and 4th members of the II Party were represented by Sri K. Shashidhar Rao, the 5th member was represented by Sri M.G.A. Pai and later by Sri Sadanand Pai. On 9th October 1964, Sri T. P. Rao filed an application on behalf of certain workmen of South Kanora Cashew and Coffee Workers' Union for bringing that Union on record. Since Sri T. P. Rao submitted that he had no objection for the case proceeding further without any delay and that he was only supporting the demands made by the workmen already on record, the tribunal ordered that it would not be permitted to file any additional claim statement and further ordered that the South Kanara Cashew and Coffee Workers' Union would be added as Party No. I(c). This I (c) party is represented by Sri Vittal Setty.

5. The points of dispute sheduled in the order of Reference though 8 in number, fall under four distinct major heads, *viz.*, (1) wages, (2) dearness allowance, (3) bonus and (4) gratuity sheme, in regard to about 7,500 workmen employed in 10 Cashew factories of Mangalore under the six managements of the II Party. The case for the workmen as could be seen from the detailed claim statements filed by the Secretary of the Dakshina Kannada

Gerubeeja Shramika Sangha and also by the General Secretary of the Cashew Workers' Union, Mangalore, briefly stated is this:— Cashew Nut processing industry is one of the prime labour incentive industries of the West Coast, prevalent in Kerala State, centered at Calicut, Tellicherry and Quilon and in Mysore State, at Mangalore. The Cashew production in the 10 factories of Mangalore is about 25% of the total Indian production, that out of 19 1/2 crores of rupees of Indian exports in 1962, about 5 crores of rupees worth of kernals were exported to Ameircan and Continental markets, that the prosperity of the entire industry is beyond question and could be compared well with any other organised industry like Textiles, Cement or Steel, in India and that from the point of view of National Economy also the industry is of great importance in as much as it earns crores of rupees worth of valuable foreign exchange for the country. It is alleged that 95% of the total labour employed in these ten cashew factories are women excluding the staff, and the rest of the 5% are male workers engaged in such departments like Roasting, Expellers, Hot Room and Yard. The women workers are paid on piece-rate basis and the rest are paid daily wages, the workers of the Shelling and Peeling Departments are paid on the quantum of work turned out by them while women workers of the Grading Department are paid daily wages as also the men and women workers of the Roasting Department, Roasted Nut Distributors, Driers and other sundry worker. It is also alleged that the workers get very low wages, that the average may work out to anywhere between Re. 1.00 and Rs. 1.50 per day. It is said that in view of the very low wages prevalent in the industry, the Government of Mysore, in July 1960, notified under the Minimum Wages Act, the minimum rates of wages payable to the different categories of workers as follows:—

Piece Raters.	(1) Shellers	...	0.09 nP. per pound of shelled whole kernels.
	(2) Shellers in the cutting process	..	0.08 nP. per pound of shelled whole kernels.
	(3) Peelers	...	0.09 nP. per pound of peeled whole kernels.
	(4) Peelers	...	0.04 nP. per pound of peeled kernel pieces.
ime Rates.	(5) Graders	...	Rs. 1.36 per day
	(6) Roasters, Driers, Yard Workers, etc.		Rs. 2.30 per day
	(7) Tinker	...	Rs. 2.87 per day

As the cost of living has risen abnormally during the last several years, the minimum or the subsistence rates of wages now paid to these workmen are insufficient to make both ends meet and hence the demand for increased rates of wages as mentioned in the order of Reference, which is about 33 1/3% higher than the existing minimum wage rates. Apart from the increase in the rates of wages, the workmen have demanded bonus equivalent to 25% of their earnings for the year 1962 and also for introduction of Gratuity Scheme in each of the concerns of the II party.

6. Messrs. Peirce Leslie & Co. Ltd., Mangalore, the First members of the II Party Managements, in their Rejoinder admitted that they had three cashew factories employing a labour force of about 4,000 in cashew processing but disputed that the South Kanara District alone exported 25% of the total production of cashew kernels in India and asserted that the total export from South Kanara alone was about 16%. It is said that with the increase in various taxes and the introduction of the Employees State Insurance Scheme along with the emergency risk insurance of factories and goods, it had become increasingly difficult for the employers to carry on the industry without suffering losses, that their industry suffered huge loss in the year 1960-61 and as such it cannot be said that it is in a prosperous condition. It was stated that if the earnings of the workers in their cashew factories were lower as opposed to Kerala factories, it was because of the lack of efficiency and lack of application on the part of the workers themselves and the same is further reduced on account of absenteeism. Above all it is said that most of the women workers come to the fields for work during the harvest season and their income in the cashew industry is only an additional income in the family to the income earned by their male members from other industries, and that the consolidated income of the family as a whole has got to be considered in the matter and that the Government while fixing the minimum wages in the year 1960, has taken into consideration the Dearness Allowance also and the wages now paid which includes D. A., are quite fair and just and that there is no justifiable reason for any revision. As regards the claim for introduction of Gratuity Scheme, it is stated that the Employees State Insurance Act has been extended and that the employers have got to pay huge premium as employers' contribution and further, the employees are enjoying the benefits of the Employees' Provident Fund Act and Scheme since 1959 as result of which the overhead expenses have enormously increased and that the introduction of Gratuity Scheme would be

an additional burden on them which would ultimately cripple the industry and that therefore there is no reasonable justification for the grant of that claim. In respect of bouns for the year 1961-62, they alleged that the same has been settled under an agreement and the workers have been paid their bonus and this question therefore does not arise at all.

7. Messrs. Swasti Cashew Industries (P) Ltd., Mangalore, the 2nd Management of the II Party stated that they were having only one cashew factory at Konchadi in Mangalore employing about 800 workers 95% of whom are women doing work in Shelling, Peeling and Grading Departments and only a small batch of male and female coolies was employed to handle roasting, hot house and loading and unloading, distribution of roasted nuts, carrying on water to filters, cleaning and other small works. They have alleged that the cashew industry is mainly a seasonal one, that 70% of the raw cashew nuts are imported from African countries, that the processing work in the cashew industry could be maintained for about 10 months in a year, both with Indian crop and imported African raw cashew nuts, that the industry caters to the needs of foreign countries, that the United States of America, the biggest buyer actually control the world markets in cashew kernels, that the Indian manufacturer has no control over the price of its products, that the fluctuation in the price of raw cashew nuts and finished products is so great that the trade has become speculative in nature and the industry is run on great risks. It is said that cashew factories have come up in Loueno Marques in Tanganika and other places in Africa, which consumes more of the African cashew nuts and that Indian manufacturers cannot compete with them since they have introduced mechanical processing which is cheaper. It is also said that in European common market meetings, the African States had objected to nil tariff on cashew kernels imported from India and that there are certain plans afoot to start a big factory in Madagaskar and when once the factory starts working there, it is undoubtedly going to flourish because of the proximity of the raw materials, cheaper steamer freight to U. S. A. and Europe, and it would be a very severe below to Indian cashew industry. If at such a critical juncture any burden is laid on the employers of cashew industry in India, it would not only drive the employer out of business but also deprive the Nation of the much needed foreign exchange. They denied that the cost of living in South Kanara has gone up to the extent that the minimum wages fixed by the Government in 1960 require any revision.

8. The other three managements *viz.*, (1) Messrs. U. Narayana Mallya & Sons., (2) Messrs. Fernandez Brothers and (3) Messrs. Mizar Govinda Annappa Pai & Sons., Mangalore, practically adopted the defence of the other two managements and asserted that the cashew factory owners were working their factories in the face of great financial difficulties incurring continuous losses and that it was because of the possibility of almost unbearable labour retrenchment compensation liabilities and their existing stake by way of heavy fixed capital investments in their factories, that they are continuing to work their factories against overwhelming odds.

9. It is thus seen that each of the managements of the II Party has pleaded its incapacity to pay wages to its employees higher than the wages already fixed by the Government under the Minimum Wages Act. Each is further opposed to the introduction of Gratuity Scheme.

10. After both the parties adduced evidence and closed their case, the matter was taken up for arguments at Bangalore on 9th April 1965. On that day the authorised representatives of the three I Party Union filed a joint memo and submitted that the question of bonus for the year 1962 had been settled out of court and so they did not press that issue. Hence. my finding on point of dispute No. I(vi) shceduled in the Order of Reference, is not called for.

11. The most important point for consideration is whether the workmen of the six Cashew Industries in question are entitled for enhancement of wages in addition to dearness allowance. It is an admitted fact that the Government of Mysore fixed the minimum rates of wages to each class of employees in the cashew nut industry in the State and the notification in regard to it came into fore on and from 18th July 1960. Ext. M5, the copy of that Notification shows the classes of emyloyees and the minimum rates of wages—an all inclusive rate to which they are entitled. It is also undisputed that the management of these six cashew industries have been paying wages to their employees only in accordance with that notification from 1960. The contention of Sri Shantaram Pai the authorised representative of the workmen are as follows:—

(a) The cashow industry in whole of India is confined to the West Coast within an area between Mangalore and Trivandrum, that about 15 per cent to 26 per cent of the industry is situated in and around Mangalore in the State of Mysore and more than

75 per cent in the State of Kerala, that prior to the State Reorganisation Act, 1956, the cashew factories were in Calicut, Tellicherry and Mangalore in the then composite State of Madras and the rest in the then Travancore-Cochin State and that M/s. Peirce Leslie and Co. Ltd., No. 1 of the II Party owned Cashew Factories both at Mangalore and Calicut and Tellicherry, that a large chunk of raw material required is imported by each and every one of those factories in both districts and all of them follow a uniform process of production and rely on foreign market for selling their goods and so the industry in this region should be taken as a whole and any departure therefrom in any unit would adversely affect the other units.

(b) The Kerala Government fixed the rates of minimum wages in the cashew industry with effect from 15th June 1960 and also Dearness Allowance in a sliding scale.

(c) The Mysore Government fixed the minimum rates of wages without any Dearness Allowance with effect from 18th July 1960.

(d) The workmen in Mangalore are paid an all inclusive rate while those in the other region are paid a basic wage and variable rates of dearness allowance.

(e) The cost of living has gone on increasing every year. In those circumstances, he submitted that having regard to the uniform nature of the industry located in a single geographically compact region namely from Mangalore to Trivandram, the overall cost of labour should be uniform for the purpose of eliminating the incidence of cost differentiation so that those Units which pay higher rate of wages might not be at a disadvantageous position and that the workmen in Mangalore should be paid at least as much as the workmen in Kerala are paid under Kerala Government Notification dated 26th April 1960.

12. Sri Shenoi, Sri Sashidhar Rao and Sri Sadanand Pai for the Managements vehimently opposed the claim made by the workmen and countered as follows:—

(a) The wages paid to workmen at Quilon in Kerala State were always at a higher rate than those paid to workmen at Mangalore.

(b) The Mysore Government had the said fact in view when it issued the notification fixing the rates of minimum wages for the workmen of the industry in the State.

(c) The efficiency of a Quilon worker is higher than that of Mangalore worker.

(d) In case the present rate is increased, the industry will have no capacity to pay.

13. As the wage structure is to be based on the principles of fair wages as setforth in the Report of the Committee on Fair wages, I am reproducing the following extracts therefrom :—

(a) "We consider that a minimum wage must provide not merely for the bare sustenance of life but for the preservation of the efficiency of the worker. For this purpose the minimum must also provide for some measure of education, medical requirements and amenities."

(b) "It will be seen from this summary of the concept of the living wage held in various parts of the World that there is general agreement that the living wage should enable the male earner to provide for himself and his family not merely the bare essentials of food, clothing and shelter but a measure of frugal comfort including education for his children, protection against ill-health, requirements of essential social needs and a measure of insurance against the more important misfortunes including old age."

(c) "The attainment of living age is therefore our objective too but nevertheless it is the duty of this Committee to examine how far present day circumstances permit us to approach this living wage and how a wage that might be considered fair could be fixed having regard to the many limitation that prevent the immediate attainment of the objective. On one point there is complete unanimity of opinion *viz.*, that the fair wage should on no account be less than the minimum wage."

(d) "While the lower limit of the fair wage must obviously be the minimum wage, the upper limit is equally set by what may broadly be called the capacity of the industry to pay. This will depend not only on the present economic position of the industry but on its future prospects. Between these two limits the actual wages will depend on a consideration of the following factors and in the light of comments given below :—

(i) the productivity of labour ;

(ii) the prevailing rates of wages in the same or of similar occupation in the same or neighbouring localities ;

(iii) the level of national income and its distribution ; and

(iv) the place of the industry in the economy of the country.

(e) "As regards the measure of the capacity, the committee consider that in this context the main objective of the fixation of fair wages should not be lost sight of. The objetive is not merelyto determine the wages which are fair in the abstract, but to see that employment at existing levels is not only maintaned but if possible increased. From this point of view it will be clear that the level of wages should enable the industry to maintain production with efficiency, the capacity of industry to pay should therefore be assessed by the wage boards in the light of this important consideration, the Wage Boards should also be charged with the duty of seeing that fair wages so fixed for any particular industry are not very much out of line with wages in other industries in that region."

(*f*) " We are of the view that in determining the capacity of an industry to pay, it would be wrong to take the capacity of a particular unit or the capacity of all the industries in the country. The relevant criterion should be the capacity of a particular industry in a specified region and as far as possible, the same wages should be prescribed for all units of that industry in that region."

(*g*) " We feel that before a wage fixing machinery decides to make any allowance for benefits, statutory or otherwise, granted to workmen, it must examine the nature and extent of those benefits. Where a benefit goes directly to reduce the expenses of a worker on items of expenditure which are taken into account for the calculation of fair wages, it must necessarily be taken into account in fixing the actual fair wage payable.

(*h*) "The Committee decided that if the standard family was reckoned as one requiring three consumption Units and providing one earner the decision would be in accordance with the results of the family budget enquiries."

(*i*) "The Committee considered that in fixing of Wage differentials, the following factors should be taken into account:—

(1) degree of skill,
(2) the strain of work,
(3) the experience involved,

(4) the training required,
(5) the responsibility undertaken
(6) the mental and physical requirements
(7) the disagreeableness of the task
(8) the hazard attendant on the work
(9) the fatigue involved.

14. In Express News Papers (P) Ltd.-*Vs*-Union of India, reported in 1961 I LLJ 339, the Supreme Court of India has generally accepted the general principles laid down by the Fair Wage Committee Report on the question of 'Minimum Wage', 'Fair Wage' and 'Living Wage'. The Court held that the content of the expressions of 'minimum wage', 'fair wage' and 'living wage' is not fixed or static. It varies and bound to vary from time to time. With the growth and development of national economy, living standards would improve and so our notions about the respective categories of wages expand and be more progressive. It must, however, be remembered that whereas bare minimum or subsistence wage would have to be fixed irrespective of the capacity of the industry to pay, the minimum wage thus contemplated postulates the capacity of the industry to pay and no fixation of wages which ignores this essential factor of the capacity of the industry to pay could ever be supported. The Supreme Court has further laid down the following principles of fixation of rates of wages:—

(i) that in the fixation of rates of wages which includes within its compass, the fixation of scales of wages also, the capacity of the industry to pay is one of the essential circumstances to be taken into consideration except in cases of bare subsistence or minimum wage where the employer is bound to pay the same irrespective of such capacity.

(ii) that the capacity of the industry to pay is to be considered on an industry-*cum*-region basis after taking a fair cross section of the industry.

(iii) that the proper measure for gauging the capacity of the industry to pay should take into account the elasticity of the demand for the product, the possibility of tightening up the organisation so that the industry could pay higher wages without difficulty and the possibility of increase in the efficiency of the lowest paid workers resulting in increase in production consi-

dered in conjunction with the elasticity of the demand for the product—no doubt againts the ultimate background that the burden of increased rate should not be such as to drive the employer out of business.

15. In William Sons *Vs* its workmen reported in 1962 (i) LLJ 302, the Supreme Court held that it is well settled that in constructing a wage structure with a scale of increment, industrial adjudication has to take a long range view and it has to examine very carefully the impact of the wage structure on the financial position of the concern in question. Further in considering the question of comparable concerns, the tribunal should bear in mind all relevant facts in relation to the problem. The extent of business carried on by the concerns, the capital invested by them, the profits made by them, the nature of the business carried on by them, their standing, the strength of the labour force, the presence or absence of reserves, the dividends declared by them and the prospects about the future of the business-there and other relevant facts have to be borne in mind.

16. The workmen of Hindustan Motors *Vs* Hindustan Motors and another reported in 1962 (2) LLJ 352, the Supreme Court has held that there can be no doubt that it is ordinarily desirable to have as much uniformity as possible in the wage scales of different concerns of the same region. It may not always be possible to attain this object because of the different financial capacities of different concerns. Wherever there is no such obstacle present, the industrial adjudication always tries to secure the same wage rates for the different concerns in the same industry in the same region. On the one hand this tends to the maintenance of industrial peace in the entire region and on the other it puts the different companies of the industry on more or less equal footing in their production struggle.

17. In French Motor Car Company Ltd., *Vs* their workmen reported in 1962 (2) LLJ 744, the Supreme Court held that it is now well settled that the principle of industry-*cum*-region has to be applied by an industrial court when it proceeds to consider questions like wage structure, dearness allowance and similar conditions of service. In applying that principle Industrial Courts have to compare wage scales prevailing in similar concerns in the region with which it is dealing and generally speaking similar concerns would be those in the same line of business as the concerns with respect to which the dispute is under consideration.

18. In Greaves Cotton and Co., Ltd., *Vs* their workmen, the Supreme Court held that the basis of fixation of wages and dearness allowance is industry-*cum*-region. Where there are a large number of industrial concerns of the same kind in the same region, it would be proper to put greater emphasis on the industry part of the industry-*cum*-region principle as that would put all concerns on more or less equal footing in the matter of production costs and therefore in the matter of competition in the market.

19. Now bearing in mind the principles laid down by the Fair Wage Committee Report as well as those laid down by the Supreme Court in the several cases referred to above as regards the basis for fixing the wages and dearness allowance, I shall proceed to examine the evidence, both oral and documentary produced by the parties:—In order to show that the Cashew industry in India is confined mostly to the West Coast within an area between Mangalore and Trivandrum and that entire area should be considered as one region, the workmen relied upon the Report on the Enquiry into conditions of labour in the Cashewnut Processing industry in India, marked Ext. W8. This Report was published by the Labour Bureau, Ministry of Labour in 1954. This shows that in India Cashewnut Factories are located in the Ratnagiri District of Bombay State, in the districts of South Canara, Malabar, Guntur, East Godavari and Srikakulam in Madras and in Travancore Cochin. There are four main regions in which the industry is located. In region No. III in the then Composite State of Madras, are to be found the South Kanara District and Malabar. In Region No. IV in the then State of Travancore Cochin are to be found Quilon and Trichur. There were 12 factories in South Kanara and Malabar and 156 in Quilon and Trichur. Ext. W10 is the copy of the Statistical Supplement to the Fort St. George Gazette dated July 4, 1956 showing the cost of living index numbers applicable to employees in the employments under the Minimum Wages Act, 1948 (Central Act XI of 1948) in the different Moffussil centres for the month of May 1956 as ascertained and declared by the Director of Statistics under Section 2(d) of that Act. It shows that Malabar and South Kanara Districts are included in Khozikode Centre for the purpose of determining the cost of living index. As a matter of fact M/s. Peirce Leslie and Co, have given effect to this and paid dearness allowance to its employees at Mangalore on the basis of cost of living index at Calicut. Ext. W13 is the copy of the Memorandum of Settlement between the Management of M/s. Peirce Leslie and Co., Ltd. and its Clerical and Subordinate Staff in all its branches

and factories. The Management has agreed to pay variable dearness allowance to the Clerical staff at the rate of 25 paise per point over 400 in the appropriate gazetted cost of living index figure for the previous month but one. For Mangalore employees, the cost of living index of Khozikode is taken into consideration for payment of variable dearness allowance. The raw cashew nuts are imported by all the Cashew industries in South Kanara and Kerala from the same source, namely Africa and more than 85 per cent of the production on the West Coast is exported to foreign countries. The processing of cashew nuts into Kernals is done in several stages *viz.*, roasting, shelling, peeling and finally grading. This process is the same in all the factories of South Kanara and Kerala. On a careful consideration of all the relevant factors, I have no hesitation to agree with the contention of Sri Shantharam Pai that for purpose of wage fixation in cashew industry the West Coast within the area between Mangalore and Trivandrum should be considered to be in one region. Fair Wages should be determined on the industry-*cum*-region basis. The relevant criterion should be the capacity of a particular industry in a specified region and as far as possible, the same wages should be prescribed for all units of that industry in that region. It will obviously not be possible for the wage fixing authority to measure the capacity of each of the units of an industry in a region and the only practicable method is to take a fair cross section of that industry. In the instant case, what is the evidence? The Shellers and Peelers of the Cashew Factories in Mangalore are now demanding 12 paise per pound of Kernal delivered at the weighing machine, for peeling pieces at 6 nP. per pound, roasting nut and distributors claim Rs. 2 per day and daily-rated workers demand a wage increase of 50 nP. over the existing wage rate subject to a minimum of Rs. 3 per day, Graders at Rs. 2 per day and all the workers besides should be paid dearness allowance of Rs. 15 per month or 50 nP. per day. The Managements have contended that the wages now paid are fair and adequate and do not require any revision and that with the increase in various taxes and the introduction of the Employees' State Insurance Scheme along with Emergency Risks Insurance of Factories and Goods, it has become increasingly difficult for them to carry on the industry without suffering loss. According to Kerala Government Notification dated 26th April 1960, Ext. W1, the minimum wages for employment in Cashew industry is specified in the Schedule thereto. The above wages are fixed in relation to an index number of 400 in the Quilon cost of living index. The workers are paid in

addition to the above wages a dearness allowance calculated at the rate of 1 nP. per day for every 3 full points in the cost of living index of Quilon in excess of 400. In the case of monthly rated workers, the rate shall be 25 nP. per month for every three points in excess of 400. The rate of dearness allowance payable each year beginning from 1st of January shall be based on the average of the index number of Quilon for the preceding twelve months ending 31st October. The rate so arrived at shall remain constant for the whole of that calendar year. The average index for the 12 months ending 31st October 1959 being 450, the dearness allowance payable in the year 1960 shall be 16 nP. per day and Rs. 4 per month for adults. But the Government of Mysore, in their Notification dated 16th July 1960, Ext. M 5 fixed the minimum rates of wages specified in the schedule thereto as payable to each class of employees employed in the Cashew Industry in the State. It is seen therefrom that minimum piece rates for shelling and peeling and the minimum time-rates for other workers are slightly lower than those prescribed by Kerala Government. Above all, the Government of Mysore have not provided for payment of dearness allowance as was done by the Kerala Government. It is an undisputed fact that the cost of living has gone on increasing year by year, throughout India particularly in Mysore State as seen from Ext. W7 (a). In 1960, the annual average cost of living index was 446.73. It was 457.93 in 1961; 457.38 in 1962, 463.77 in 1963. It must therefore be said that there is reasonable justification for the workmen of Cashew Industry in this region to demand a revision of the wages. To what extent the wages should be increased? To what extent the industry will have capacity to bear the increase financial burden by reason of increase in the wages? According to M.W. 1 Mizar Govinda Annappa Pai, the Proprietor of M/s. M.G.A. Pai & Sons., one of the Managements in the case, the cashew industry in Mangalore is a seasonal industry, that there is work for eight months in a year, that the workers are drawn from agricultural class and in the absence of work in the cashew factories, they go for work in other factories like cardamom, coffee curing and areca curing works and further, workers in Shelling and Peeling Departments in Quilon are more efficient and skillful than those in Mangalore. It is said that in Quilon, the workers peel the Kernals with their fingers and that peeling with fingers does make it painfull and that on that account, the labourers at that place are paid more than the workers in other factories at Mangalore where the peeling is done with the help of a knife and as the knife is

sharp, while peeling the body of kernal is scrapped resulting in powder. It is further stated that the Port of Mangalore is closed for traffic for 4 or 5 months during monsoon, that at the time of the import and export traffic has got to be routed through Cochin in Kerala and that this adds considerably to the cost of transport particularly because both import and export is necessary in the case of cashew industry since cashewnuts locally procured are insufficient to meet the demands. It is said that in respect of both the process of import and export, the industry in Mangalore has got to pay heavy extra transport charges which are saved in respect of this industry in the Kerala State. Of course, all these factors will have to be borne in mind while fixing the fair wages to the workmen of the Cashew industry in Mangalore. It is admitted that the number of workmen employed in Messrs. Peirce Leslie & Co, Ltd., is 3,600; in M/s. M.G.A. Pai & Sons., 1,200: in M/s. Fernandes Brothers 1,000; in M/s. Swasti Cashew Industries (P) Ltd., 800; in Yeknath Cashew Industries 100, in all about 7,350. M/s Peirce Leslie & Co, Ltd., M/s. U. N. Mallya & Sons., and Yeknath Cashew Industries have not filed their statements of accounts though they employe a labour force of 4,355 which is 60 per cent of the total labour force. No satisfactory reason is given for not doing so. It is not their case that they have not maintained accounts or that the account books are destroyed. If a party supresses his accounts, the court will presume everything most unfavourable to him consistent with the established facts. No party should be allowed to take advantage of an abstract doctrine as of burden of proof and conceal from the court the evidence in its own possession which would assist the court in arriving at a correct decision. Even in cases like this where it is for the workmen to prove that the industry has capacity to bear the burden of increased wages, a deliberate omission on the part of the aforesaid three concerns to produce their accounts books or to file the Balance Sheets and Profit and Loss accounts in their possession which would have at once disclosed to the tribunal whether the concerns are financially Sound, would entitle the tribunal to raise a presumption that the account books if produced would not support their case and would prove the case of the workmen. M.W. 5 Sujir Damoder Naik the Managing Director of Swasti Cashew Industries (P) Ltd., the Second Party Nnmber 1, has produced the audited Balance Sheet for the years 1957 to 1962, Exhibits M 28, M 29, M 30, M 31, M 32 and M 33. No doubt, in 1957 the concern has sustained a loss of Rs. 1,99,752 as seen in the Balance Sheet, Ext. M 28. But in 1958, it has

made a net profit of Rs. 74,193, in 1959 Rs. 17,200 in 1960 Rs. 1,42,725 in 1961 Rs. 75,525 and in 1962 Rs. 99,511 as per Exhibits M 30, M 31, M 32 and M 33 respectively. This concern has gone on paying bonus to its workmen in terms of an agreement. M/s. Mizar Govinda Annappa Pai and Sons., have made a net profit of Rs. 37,000 in 1960 and Rs. 5000 and odd in 1962 as seen in Exhibits M 6 (e) and M 6 (g). M/s. Fernandez Brothers have made a profit of Rs. 2,18,027 in 1957 as seen in Ext. M 17; Rs. 2,71,815 in 1958 as seen in Ext. M 16; Rs. 31,204 in 1959 as seen in Ext. M 15 Rs. 30,945 in 1960 as seen in Ext. M 13, Rs. 2,13,710 in 1961 as seen in Ext. M 14, Rs. 1,14,076 in 1962 as seen in Ext. M 12. It is this seen from the balance sheets produced by three of the concerns of the II Party that they are making steady progress year after year in their business. The Supreme Court has pointed out in Lipton Ltd., *vs* their employees that for determining the financial capacity of a concern to bear the burden of wage increase, the financial capacity as disclosed by trading results over a period of years must be considered. It was further stated that it cannot be said that fair wages must entirely be postponed till a fair return on capital is obtained. Wages are fixed on a long term basis and dependent on the cost of living and the needs of workmen. Ext. W 9 is an agreement dated 3rd April 1961 between the Management of M/s. Peirce Leslie & Co., Ltd., and the members of its monthly paid staff at all its branches and Factories in India. This settlement shows that even the unskilled workmen like Satchmen, Sweepers, Peons etc., are paid very high rate of fixed Dearness Allowance as well as variable dearness allowance at the rate of 0.25 paise per point over 400 in the appropriate gazetted cost of living index number for the previous month but one. The sweeper employed by this concern at Mangalore Cashew factory gets a basic wage of Rs. 27 per month in the first year of his service and a fixed dearness allowance of Rs. 45 for the cost of living index of 400 and a variable dearness allowance of 0.25 paise per point over 400. Unless this concern is very prosperous, it would not have paid such high rate of dearness allowance. The sweepers, peons and attendants of this factory at Mangalore get basic wages and dearness allowance according to the cost of living index for Calicut. The Supreme Court in Greaves Cotton & Co., *Vs* their workmen; reported in 1961 (I) LLJ 342, has re-stated that there should not be any difference in the dearness allowance scales of workmen who are paid almost the same rate of basic wages. It has further laid down that time has now come when employees getting same wages

should get the same dearness allowance irrespective of whether they are working as Clerks or members of subordinate staff or factory workmen. The pressure of high prices is the same on these various kinds of employees. Further, the subordinate staff and the factory workmen these days are as keen to educate their children as clerical staff and in the circumstances there should be no difference in the amount of dearness allowance between the employees of different kinds getting the same wages. Further, the employees, whether he is of one kind or other, getting the same wage, hopes for the same amenities of life and there is no reason why he should not get them though he may be coming from the same class of people as a member of the Clerical staff. In the instant case, having regard to the financial stability and ablity of a fair cross section of Cashew Industry in this region, I am of opinion that instead of increasing the wages to the several classes of employees either at the rates now demanded by the I Party Union or at any higher rate than the rate already prescribed by the Government of Mysore in their Notification dated 16th July 1960, Ext. M 5, payment of a fixed deareness allowance of eight annas to each of the workmen irrespective of the class to which he belongs, for each working day, would meet the ends of justice.

20. The next and the last question for consideration is whether a Gratuity Scheme should be introduced for the benefit of the workmen of the II Party Managements. The contention of the I Party Union is that the Cashew industry is a labour incentive industry requiring mainly manual labour, that there are workers who have put in long service in this industry and that they have got to go empty handed at the time of their retirement and therefore it is a fit case in which a Gratuity Scheme should be introduced with immediate effect entitling every worker to get a months' wage for every year of service at the time of his or her leaving the job or to his or her heirs after his or her death and this would not only ensure lasting peace but also improve the morale of the workers resulting in increased production and all round development in the industry. The Managements of the II Party resisted that demand on the ground that the financial capacity of the individual employer to stand the burden of a long term basis is wanting. It was also resisted on the ground that with the increase in the various taxes and the introduction of the Employees State Insurance Scheme along with Emergency Risks Insurance of Factories & Goods, and also introduction of Provident Fund Scheme, it has become increasingly difficult for the employers to carry on the industry without suffering losses. It is now well

that the workmen would be entitled to the benefit of Gratuity in addition to Provident Fund benefits if the employer has the financial capacity, *vide* Indian Oxygen and Acetylene Co., Ltd., Employees' Union *Vs* Indian Oxygen and Acetylene Co., Ltd., reported in 1956 (I) LLJ 435. The Supreme Court, in Bharathkhand Textile Manufacturing Co., Ltd., *Vs* Textile Labour Association, Ahmedabad, reported in 1960 (II) LLJ 21, has held that the existence of a Provident Fund Scheme benefit to the workmen is no bar against the employees claim for additional retirement benefit from the employer. In considering the question of capacity to bear the extra burden of Gratuity Scheme, the Labour Appellat Tribunal in Indian Oxygen and Acetylene Co. Employees' Union *Vs* Indian Oxygen and Acetylene Co., Ltd., already referred to, has held that what is to be taken into consideration is the general financial stability of the concern and the broad aspects of the financial capacity of the concern including its profit earning capacity, the profits earned in the past, reserves available etc, and not an application of the Labour Appellate Tribunal formula for bonus. This view had been cited with approval by the Supreme Court in Express Newspapers (P) Ltd., and another *Vs* Union of India and others, reported in 1961 (1) LIJ 339, as well as in Bharathkhand Textile Manufacturing Co., Ltd., *Vs* Textile Labour Association, Ahmedabad, reported in 1960 (II) LLJ 21. In the present case, the I Party Union has not placed any material before this tribunal about the reserves, the possibility of replinishing the reserves if occasion arises, which the industry has. The profit earning capacity profits and earned in the past by the Managements of the II Party concerns as could be seen from the Profit and Loss Account and the Balance Sheets, in my opinion, do not warrant the conclusion that the concerns have the financial stability for the introduction of a long term scheme like the one for Gratuity. I am therefore, of opinion that the I Party Union is not entitled to insist upon the introduction of a Gratuity Scheme.

21. For these reasons, I make an award directing the Managements of the II Party to pay a Dearness Allowance of 0.50 paise to each of their workmen irrespective of the class to which he belongs, for each working day, in additon to the minimum wages prescribed by the Government of Mysore in their Notification No. LLH 139 LMW 59 (1), dated 16th July 1960 Each party to bear its own costs.

R. KRISHNA SETTY,
Presiding Officer,
Industrial Tribunal.

APPENDIX – A

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

I. D. No. 15 of 1963.

Workmen of six Cashew Factories of Mangalore.
... *I Party*

The Management of six Cashew Factories of Mangalore.
.. *II Party*

List of Witnesses Examined by the I Party

W.W. 1 Smt. A. Janamma
W.W. 2 Sri P. V. Kunhiraman
W.W. 3 Sri P. Koru
W.W. 4 Sri J. Gopalakrishna
W.W. 5 Sri Gangiah
W.W. 6 Sri K. Narayana
W.W. 7 Smt. Janaki
W.W. 8 Sri Shivananda Kamath
W.W. 9 Smt. Puttamma
W.W. 10 Smt. Kamala
W.W. 11 Sri Veerappa
W.W. 12 Sri N. Umanath Nayak

List of Witnesses Examined by the II Party

M.W. 1 Sri Mizar Govinda Pai
M.W. 2 Sri Sadananda Pai
M.W. 3 Sri U. Ramakrishna Mallya
M.W. 4 Sri G. Fernandez
M.W. 5 Sri Sujir Damodar Naik
M.W. 6 Sri K. C. Nair

R. KRISHNA SETTY,
Presiding Officer,
Industrial Tribunal,
Bangalore.

APPENDIX B

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

I. D. No. 15 of 1963.

The Workmen of the six Cashew Factories of South Kanara District.

I Party.

Vs

The Management of six Cashew Factories of South Kanara District.

II Party

List of Documents Exhibited by the *I Party*.

Exhibit No.	Particulars of the document
. 1	Kerala Government Notification dated 26th April 1960 fixing minimum wages for the cashew industry.
W. 2	Printed copy of the above in the Kerala Gazette-Part I
W. 3	True copy of a Notice dated 27th August 1964 of M/s. Peirce Leslie & Co., fixing the rate of D. A. to daily rated and monthly rated employees.
W. 4	Memorandum of Settlement dated 1st May 1956 between the workmen and the Management of Vamally Coffee Curing Works.
W. 5	Printed Award in I. D. No. 20 of 1963 dated 29th November 1963 Memorandum of Settlement dated 21st November 1963 in I. D. No. 20/63 between the workmen and the Managements of Five Cashew & Coffee Factories.
W. 6	Provident Fund Account of one employee of Swasti Cashew Industries.
W. 7(*a*)	Mangalore Consumer Price Index from 1960 to 1964.
W. 7(*b*)	Mysore Cost of Living Index from 1960 to 1964.
W. 7(*c*)	Kozikoe Cost of Living Index from 1960 to 1964.

W. 8 Report of conditions of Labour in the Cashew Industries Government of India.

W. 9 Settlement dated 3rd April 1961 between M/s. Peirce Leslie & Co. Ltd., and the monthly paid staff of the above Company in all its Branches and Factories in India.

W. 10 Statistical supplement of Fort St. George Gazette, Madras dated 4th July 1956.

W. 11 Award of Industrial Tribunal, Coimbatore.

W. 12 Award of the Industrial Tribunal, Coimbatore published in Fort St. George Gazette, Madras.

W. 13 True Copy of the Memorandum of Settlement of M/s. Peirce Leslie & Co., Ltd. and the Clerical and subordinate staff (monthly paid employees) of the above Company in all its Branches and Factories.

R. KRISHNA SETTY,
Presiding Officer,
Industrial Tribunal.
Bangalore.

APPENDIX-C

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

I. D. No. 15 of 1963

Workmen of six Cashew Factories of Mangalore,
South Kanara District.
... *I Party*

Vs.

Management of six Cashew Factories of Mangalore,
South Kanara District.
... *II Party*

List of Documents Exhibited by the II Party.

Exhibit No.	Particulars of the documents
M. 1	Decision of the Committee dated 30th November 1954 in the matter of the dispute between the Managements and Workers of Cashew nut Factories of M/s. Narayana Mallya & Sons & M. Govinda Pai & Sons, Mangalore.
M. 2	Affidavit of Mizar Govinda Pai.
M. 3	Copy of draft Notification dated 14th May 1960 fixing the Minimum rates of wages in the cashew industry.
. 4	Copy of letter dated 6th July 1960 addressed to the Secretary to Government, Mysore, L. S. G.
1 . 5	Copy of Notification dated 6th July 1960 fixing the minimum rates of wages with effect from 18th July 1960
M. 6(a)	Copy of Trading and Profit and Loss Account and Balance Sheet of M. G. A. Pai for the year ending 31st December 1956.
M. 6(b)	Copy of Trading and Profit and Loss Account and Balance Sheet of M. G. A. Pai for the year ending 31st December 1957.
M. 6(c)	Copy of Trading and Profit and Loss Account and Balance Sheet of M. G. A. Pai for the year ending 31st December 1958.

M. 6(d) Copy of Profit and Loss Account and Balance Sheet of M. G. A. Pai for the year ending 31st December 1959.

M. 6(e) Copy of Profit and Loss Account and Balance Sheet of M. G. A. Pai for the year ending 31st December 1960.

M. 6(f) Copy of Trading and Profit and Loss Account and Balance Sheet for the year ending 31st December 1961 of M. G. A. and Sons.

M. 6(g) Copy of Trading and Profit and Loss Account and Balance Sheet of M. G. A. Pai and Sons, for the year ending 31st December 1962.

M. 7 Letter dated 15th May 1964 of Johannes Stut, Humbarg *re*: quotations and grades.

M. 8 Letter dated 2nd September 1964 of Corneille Vafiade's *re*: settlement of Bills.

M. 9 Tanganiyaka Standard dated 12th September 1964.

M. 10 Production figures showing the production and export of cashew kornals and cashew shall Liquid.

M. 11 Balance Sheets and Trading Accounts for 1957 to 1962 of Fernandez Bros.

M. 12 Manufacturing Account for the year 31st December 1962 of Fernandez Bros.

M. 13 Manufacturing Account for the year 31st December 1960 of Fernandez Bros.

M. 14 Manufacturing Account for the year 31st December 1961 of Fernandez Bros.

M. 15 Manufacturing Account for the year 31st December 1959 of Fernandez Bros.

M. 16 Manufacturing Account for the year 31st December 1958 of Fernandez Bros.

M. 17 Manufacturing Account for the year 31st December 1957 of Fernandez Bros.

M. 18 Out-turn statement of shelling and peeling for January and February 1964.

M. 19 Provident Fund Contribution statement for the year 1963 of Fernandez Bros.

M. 20 Statement chowing list of workers earning more than 300 per annum for 1963 of Fernandez Bros. in Peeling Department.

M. 21 Statement showing list of workers earning more than 300 per annum for 1963 of Fernandez Bros. in Shelling Department.

M. 22 Statement showing the average wages earned by the workers in 1962 Fernandez Bros.

M. 23 Statement showing the Breakages Figures of Annual Income of Fernandez Bros. for 1963.

M. 24 Copy of Inaugural speech of Sri V. V. Giri, Governor of Kerala at the Seminar on 22nd September 1964.

M. 25 Statistics showing the shipment of cashew kernals for 1960-63.

M. 26 Letter dated 4th February 1964.

M. 27 Balance Sheet as at 31st December 1963 of M. G. A. Pai.

M. 28 Balance Sheet of Swastic Cashew Works.

M. 29 Trading and Profit and Loss Account for the year ended 31st December 1958 of Swasti Cashew Industries Ltd., Mangalore.

. 30 Do Do 1959.

M. 31 Do Do 1960.

M. 32 Do Do 1961.

M. 33 Do Do 1962.

34 Statement showing the number of working days of Swasti Cashew Industries (P) Ltd., at Korchendy for the years 1957-1962.

M. 35 Statement showing the total peeled wholes and peeled pieces and corresponding wages paid in the months of November and December 1963 in Swasti Cashew Industries (P) Ltd., Mangalore.

. 36 Statement showing the total shelled wholes and pieces in lbs and the wages paid in the months of November and December 1963.

. 37 The number of bags processed in shelling and Peeling Department.

M. 38 Copy of the agreement entered into between the workmen and the Management dated 6th June 1963.

M. 39 Information regarding wages and processing methods in Hindustan Cashew Products (P) Ltd., Quilon.

M. 40 Quantum of work in Garding Department in Hindustan Cashew Products (P) Ltd., Quilon.

M. 41 Statement showing the comparative out-turn and the corresponding difference in many value between the processing work at Mangalore and Quilon in respect of Malabar Raw Cashewnuts based on out-turn statements Swasti Cashew Industries (P) Ltd. and Hindustan Cashew Products., Quilon.

M. 42 Letter No. 1981/64-65 dated 25th September 64 from Hindustan Cashew Products (P) Ltd., enclosing some daily statements of Kayamkulam factory.

M. 42(a) Statement of Kayamkulam Factory, Tellicherry.

M. 42(b) Do Do Hindustan Cashew Products (P) Ltd., Quilon.

M. 43 Daily Statement of Swasti Cashew Industries (P) Ltd., Roasting and Shelling.

M. 44 Award of the Industrial Tribunal of Ten cashew factories (I. D. No. 35 of 1960).

M. 45 Award of the Labour Court, Hubli, between the workmen and the Management of M. G. A. Pai & Sons and the Management of M: G. A. Pai & Sons and Swasti Cashew Industries (P) Ltd.

M. 46 Categorisation of the workers in Peirce Leslie & Co., under the Mysore Minimum wage Notification.

M. 47 Copy of letter dated 5th August 1960 from the Management of Peirce Leslie & Co., Ltd., -re : Minimum wages.

M. 48 Check roll strenth as on 30th June 1964 in Shelling, Peeling, Grading, Yard, Roasting and Canteen of Mangalore Factories.

M. 49 Statement showing the maximum earnings per day in shelling and in peeling per day.

M. 50 Affidvat of Sri Damodar Nayak.

M. 51 Statement showing the employers Contributions towards P. F., E. S, I. and National Festival Holidays of Swasti Cashew Industries (P) Ltd.

M. 52 Invoice dated 16th December 64 of Dares Salaam, Tanganiyaka Rao Cashewnuts.

R. KRISHNA SETTY,
Presiding Officer,
Industrial Tribunal,
Bangalore

ORDER.

Bangalore, dated the 16th June 1965.

S.O. 2808.—WHEREAS by State Government Order No. PLM 205 LLD 63, dated 29th May 1963, the Industrial Dispute between the Workmen and the Management of Six Cashew Industries, Mangalore was referred to the Industrial Tribunal, Bangalore for adjudication

AND, WHEREAS the Industrial Tribunal has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. PLM 205 LLD 63(ii)].

By Order and in the name of the Governor of Mysore,

349 K. M. SOMASHEKAR, *Under Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.